

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tyler Walls	Team: Squad #6	CCRB Case #: 201908374	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/23/2019 11:30 AM	Location of Incident: Utica Avenue and St. John's Place; 77th Precinct stationhouse	Precinct: 77	18 Mo. SOL 3/23/2021	EO SOL 11/7/2021	
Date/Time CV Reported Mon, 09/23/2019 12:00 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/23/2019 12:00 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Yefet Sharabi	18243	959227	077 PCT
2. POM Pagiel Clark	28472	953759	077 PCT
3. SGT Shirnell Williams	02180	942921	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Yefet Sharabi	Abuse: At Utica Avenue and St. John's Place in Brooklyn, Police Officer Yefet Sharabi threatened § 87(2)(b) with the use of force.	
B.POM Yefet Sharabi	Abuse: At Utica Avenue and St. John's Place in Brooklyn, Police Officer Yefet Sharabi threatened to arrest § 87(2)(b)	
C.POM Yefet Sharabi	Discourtesy: At Utica Avenue and St. John's Place in Brooklyn, Police Officer Yefet Sharabi acted discourteously toward § 87(2)(b)	
D.POM Yefet Sharabi	Abuse: At Utica Avenue and St. John's Place in Brooklyn, Police Officer Yefet Sharabi refused to provide his shield number to § 87(2)(b)	
E.POM Pagiel Clark	Abuse: At the 77th Precinct Stationhouse, Police Officer Pagiel Clark did not process § 87(2)(b)'s complaint regarding an officer.	
F.SGT Shirnell Williams	Abuse: At the 77th Precinct Stationhouse, Sergeant Shirnell Williams did not process § 87(2)(b)'s complaint regarding an officer.	
G.POM Yefet Sharabi	Abuse: At Utica Avenue and St. John's Place in Brooklyn, Police Officer Yefet Sharabi refused to provide his shield number to § 87(2)(b)	

Case Summary

On September 23, 2019, § 87(2)(b) submitted the following complaint with the CCRB over the telephone.

On September 23, 2019, at approximately 11:30 a.m., at Utica Avenue and St. John's Place in Brooklyn, § 87(2)(b) who was with his work colleague, § 87(2)(b) was pulled over by PO Yefet Sharabi of the 77th Precinct. § 87(2)(b) asked why he was stopped and PO Sharabi told him that he did not have to tell him and that if he did not comply, he would take him out of the vehicle and "lock [him] up" (**Allegation A and B: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) handed his license to PO Sharabi, who wrote § 87(2)(b) a summons for § 87(2)(b). PO Sharabi tossed the summons into § 87(2)(b)'s lap (**Allegation C: Discourtesy, § 87(2)(g)**). § 87(2)(b) asked PO Sharabi for his shield number, but he did not provide it (**Allegation D: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) went directly to the 77th Precinct stationhouse to file a complaint against PO Sharabi. PO Pagiel Clark, who sat at the front desk, conferred with Sgt. Shirnell Williams who instructed him to provide § 87(2)(b) with the phone number for the CCRB. PO Clark did not take § 87(2)(b)'s complaint at the stationhouse (**Allegation E and F: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) went back to Utica Avenue and St. John's Place in Brooklyn and saw PO Sharabi. § 87(2)(b) requested PO Sharabi's shield number again, but he refused to provide it (**Allegation G: Abuse of Authority, § 87(2)(g)**).

BWC and stationhouse footage from the 77th Precinct stationhouse was obtained.

Findings and Recommendations

Allegation (A) Abuse of Authority: At Utica Avenue and St. John's Place in Brooklyn, Police Officer Yefet Sharabi threatened § 87(2)(b) with the use of force.

Allegation (B) Abuse of Authority: At Utica Avenue and St. John's Place in Brooklyn, Police Officer Yefet Sharabi threatened to arrest § 87(2)(b)

§ 87(2)(b) testified that after he was stopped, he asked PO Sharabi the reason for the stop. PO Sharabi allegedly responded that he did not have to explain the stop and that if he refused to provide his documents, he would pull him out of the vehicle and "lock him up" (**BR 01**).

PO Sharabi testified that § 87(2)(b) refused a request for his documents approximately five or six times. As PO Sharabi wanted to ensure he had the documents prior to his explanation for the stop, and as the documents were not provided, PO Sharabi told § 87(2)(b) that he would take him out of the vehicle, place him in handcuffs and take him to the precinct to issue the summonses (**BR 02**).

At the 00:37 mark of PO Sharabi's BWC footage in IA #38, PO Sharabi requested § 87(2)(b)'s license and registration. § 87(2)(b) replied that he would not provide documents until he knew why he was being stopped. PO Sharabi asked § 87(2)(b) for his documents two more times, but he continued to refuse to provide them. At the 01:25 mark of the BWC, PO Sharabi told § 87(2)(b) that if he did not give him his documents, he would take him out of his vehicle, place him in handcuffs and take him back to the stationhouse to issue him the summonses (**BR 03**).

No person shall operate or drive a motor vehicle upon a public highway without a license. NYS VTL §509.01 (**BR 04**). When issuing a summons for a traffic violation, an officer can remove the violator to a command for investigation if doubt concerning identity exists. NYPD Patrol Guide Procedure 209-09 (**BR 05**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Discourtesy: At Utica Avenue and St. John's Place in Brooklyn, Police Officer Yefet Sharabi acted discourteously toward § 87(2)(b)

At the 15:18 mark of PO Sharabi's BWC in IA #38, PO Sharabi is seen placing the summons on § 87(2)(b)'s lap after § 87(2)(b) would not take it. § 87(2)(b) testified that PO Sharabi threw the summons into his § 87(2)(b)'s lap when he returned to his vehicle.

PO Sharabi testified that he placed the summons on § 87(2)(b)'s lap because § 87(2)(b) would not take the summons in his hand.

§ 87(2)(g)

Allegation (D) Abuse of Authority: At Utica Avenue and St. John's Place in Brooklyn, Police Officer Yefet Sharabi refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) alleged that after he was issued the summons for the moving violation, he requested PO Sharabi's shield number. PO Sharabi responded by turning his body away and stating that it was on the summons. § 87(2)(b) made a second request for the shield number and PO Sharabi responded it was on the summons.

In his telephone statement, § 87(2)(b) corroborated § 87(2)(b)'s claim that PO Sharabi did not provide his shield number upon request (**BR 07**).

PO Sharabi did not recall if § 87(2)(b) requested his shield number. PO Sharabi denied refusing to provide his shield number to § 87(2)(b).

At the 14:55 mark of PO Sharabi's BWC in IA #38, § 87(2)(b) told PO Sharabi that he wanted to write down his name. PO Sharabi informed § 87(2)(b) that his information was at the bottom of the summons. § 87(2)(b) replied, "18...182 – read it to me." PO Sharabi placed the summons on § 87(2)(b)'s lap and walked away. § 87(2)(b) asked him an additional unrelated question before their interaction ended. PO Sharabi did not state his shield number at any point.

PO Sharabi issued § 87(2)(b) summons § 87(2)(b). The summons did not list PO Sharabi's shield number (**BR 08**).

An officer must clearly say or otherwise provide their name, shield number, or command when members of the public request this information. NYPD Patrol Guide Procedure 203-09 (**BR 09**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: At the 77th Precinct Stationhouse, Police Officer Pagiel Clark did not process § 87(2)(b)'s complaint regarding an officer.

Allegation (F) Abuse of Authority: At the 77th Precinct Stationhouse, Sergeant Shirnell Williams did not process § 87(2)(b)'s complaint regarding an officer.

The 77th Precinct stationhouse footage showed § 87(2)(b) at the stationhouse but did not depict who he interacted with at the front desk (**BR 10**).

§ 87(2)(b) testified that after his interaction with PO Sharabi, he went alone to the 77th Precinct stationhouse and told an officer at the front desk, identified by the investigation as PO Pagiel Clark, that he wanted to file a complaint against an officer. PO Clark went to the back of the stationhouse and returned with a piece of paper that contained the phone number to the CCRB. PO Clark did not process § 87(2)(b)'s complaint and instead told him to call the phone number on the paper. § 87(2)(b) left the stationhouse without further incident.

PO Clark, the telephone switchboard (T/S) operator, confirmed that § 87(2)(b) went to the 77th Precinct stationhouse to file a complaint against an officer. PO Clark notified the desk sergeant, who the roll call identified as Sgt. Shirnell Williams, and asked how he could take the complaint. Sgt. Williams told PO Clark to provide § 87(2)(b) with the phone number for the CCRB. PO Clark provided § 87(2)(b) with the phone number for the CCRB. § 87(2)(b) left. PO Clark did not remember whether § 87(2)(b) specifically asked to submit a complaint at the precinct stationhouse. PO Clark did not have any familiarity with the complaint forms typically provided to civilians (**BR 11**).

Sgt. Williams testified that she worked during the time of the incident but did not recall any civilian coming into the stationhouse to file complaint on that day. Sgt. Williams did not hear or witness another officer refuse to take § 87(2)(b)'s complaint (**BR 12**).

Complaints against uniformed members of service may be made at any patrol precinct. NYPD Patrol Guide Procedure 207-31 (**BR 13**). When a person is present in a Department facility and wishes to make a statement against an officer, an officer at the facility should interview the civilian and provide them with a copy of a Civilian Complaint Report PD 3130154 to be prepared in the civilian's own handwriting. NYPD Patrol Guide Procedure 207-30 (**BR 14**).

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Abuse of Authority: At Utica Avenue and St. John's Place in Brooklyn.
Police Officer Yefet Sharabi refused to provide his shield number to § 87(2)(b)

At the 02:36 mark of PO Sharabi's BWC in IA #81, PO Sharabi can be seen speaking to a motorist. § 87(2)(b) walked up to him holding his phone up. PO Sharabi told § 87(2)(b) to back away from him. § 87(2)(b) asked PO Sharabi for his shield number twice as PO Sharabi continued to tell § 87(2)(b) to back away from him. § 87(2)(b) took a picture of PO Sharabi and then left. PO Sharabi did not verbally provide his shield number to § 87(2)(b) at any point (BR 15).

§ 87(2)(b) testified that after he left the 77th Precinct stationhouse, he went alone to Utica Avenue and St. John's Place and saw PO Sharabi stop another motorist. § 87(2)(b) requested PO Sharabi's shield number, but PO Sharabi refused to provide it. § 87(2)(b) left the after taking a photo and did not interact with PO Sharabi again.

PO Sharabi testified that § 87(2)(b) followed him around multiple times as he stopped several other vehicles that day. During this time, PO Sharabi did not hear § 87(2)(b) request his shield number and denied that he refused to provide his shield number. PO Sharabi said that he did not pay attention to what § 87(2)(b) said because he worked alone and felt unsafe dealing with both § 87(2)(b) and the motorists. § 87(2)(b) followed PO Sharabi several times after but at no point did he hear a request for his shield number.

When a member of the public requests the shield number of a uniformed member of service, they are required to provide that information unless there are exigent circumstances. Exigent circumstances are defined as circumstances in which there is imminent danger of physical injury or other factors that make providing the shield number impractical. NYPD Patrol Guide Procedure 203-09 (BR 09).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one CCRB complaint and has been named a victim in two allegations:
 - § 87(2)(b)
- PO Sharabi has been a member of service for four years and has been a subject officer in three CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- PO Clark has been a MOS for seven years and has been the subject officer in two CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Williams has been a MOS for 13 years and this is the first CCRB complaint

to which she has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of February 13, 2020, the NYC Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (**BR 18**).

Squad No.: 6

Investigator: Tyler Walls _____
Signature Print Title & Name Date

Squad Leader: Jessica Pena IM Jessica Pena 5/19/2020
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____